

County of San Diego, Health and Human Services Agency (HHSa) CalWORKs Program Guide

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Background:

State and federal law requires that when a child is removed from the physical custody of a parent, it is preferential to place the child with a relative. Approved relative caregivers in California must meet health and safety standards that mirror those for licensed foster parents, such as undergoing criminal background and child abuse index checks. The funding associated with that placement depends upon whether the child is eligible to receive federal AFDC-FC (Foster Care).

When a child is ineligible to federal AFDC-FC and is placed with an approved relative caregiver, the relative may apply for CalWORKs on behalf of the child. AFDC-FC payment is based on per child payment; CalWORKs is based on the size of the family and is less than the AFDC-FC rate.

To address this disparity, California has enacted the Approved Relative Caregiver (ARC) Program. The ARC Program make payments equal to the basic Foster Care rate to approved relative caregivers with whom a non-federally eligible foster child is placed. This includes children currently placed with approved relatives, as well as children placed with approved relatives in the future.

Policy:

Eligibility for CalWORKs is not a requirement for receipt of the ARC payment; however each ARC-eligible child must be assessed for CalWORKs eligibility in order to determine if CalWORKs funds will be used in the ARC payment. Additionally, participation in the ARC Program is not mandatory and families may choose to receive CalWORKs benefits only.

Family Resource Center (FRC) Human Services Specialists (HSS) will determine eligibility to CalWORKs benefits and issue monthly ARC payments to ARC eligible children receiving CalWORKs. The ARC Program payment issued by the HSS at the FRC will consist of CalWORKs and ARC funding.

Foster Care (FC) workers will issue ARC payments to ARC eligible children not eligible to receive CalWORKs and payment will consist of ARC funding only.

40-183.C.1 ARC Program Eligibility Criteria

To be eligible for the ARC Program, a child or Non-Minor Dependent (NMD) receiving extended CalWORKs benefits, must meet all of the following criteria:

- Be placed with an approved relative
- Reside in California (Children in out of state placements are not eligible)
- Be a dependent or ward of the California juvenile court
 - Child under a voluntary placement agreement may participate in the ARC Program up to 6 months. The child may continue in the ARC Program if the county files a petition on behalf of the child, making the child a dependent or ward of the juvenile court.
- Not be federally eligible under Title IV-E of the Social Security Act while placed with an approved related caregiver.
- Have completed an ARC Program application [ARC 1](#) (Statement of Facts Supporting Eligibility for the Approved Relative Caregiver (ARC) Funding Option Program)

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Note: A NMD receiving extended CalWORKs benefits can participate in the ARC Program up to age 21.

40-183.C.2 Application Requirements

In order for an approved relative caregiver to receive an ARC payment on behalf of an eligible child, the [ARC 1](#) application must be completed for each child who may be eligible for this program.

The [ARC 1](#) application consists of two parts:

- Part One establishes the child's eligibility for the ARC Program
- Part Two establishes the child's eligibility for CalWORKs

When the caretaker is applying for CalWORKs for him/herself, or on behalf of a non-ARC eligible child, the caretaker must also complete the SAWS 2 Plus Application.

When the ARC eligible child is already active on a CalWORKs case, only Part One on the ARC application must be completed and signed by the approved relative caregiver.

40-183.C.3 CalWORKs Eligibility Requirements

When determining eligibility for the CalWORKs portion of the ARC payment, the following CalWORKs requirements will not apply:

- Face-to-face interview
- Statewide Fingerprint Imaging System (SFIS)
- Photo-image of the approved relative caregiver
- Project 100 Fraud Referral (A PAFD fraud investigation is only made if there is an actual basis on which to suspect fraud)
- Immunization verification
- School attendance verification
- Cal-Learn participation
- Welfare-to-Work participation
- Redeterminations (It is considered sufficient that the social worker completes monthly visits and six-month review hearings.)
- Reporting (CalWORKs reporting requirements will not apply as ARC children meet with their social worker on a monthly basis. The Foster Care eligibility staff should ensure that CalWORKs eligibility staff is notified of any changes that would render the child ineligible for CalWORKs benefits, such as if the child exits care.)

The child must meet citizenship requirements defined under [CPG 42-400.E Eligible Non-Citizen Status](#), [CPG 42-400.F Battered Non-Citizens](#) and [CPG 42-400.H Human Trafficking and Victims of Serious Crimes/Child Citizenship Act](#) may be eligible to CalWORKs and apply for unconditional available income defined under [CPG 44-100.C.4 Unconditional Available Income](#).

Note: The caretaker relative must comply with CalWORKs Program requirements if he/she or other children in the home receive CalWORKs benefits and do not participate in the ARC Program.

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40-183.C.4 Income and Resources

Eligibility for the CalWORKs portion of the ARC payment is based on the child's income and resources that mirrors AFDC-FC regulations.

Income eligibility is determined by applying the AFDC-FC income requirements. If a child is determined eligible for CalWORKs, the CalWORKs portion of the ARC payment will be based on the regional county of jurisdiction. The CalWORKs portion of the ARC payment will be exempt MAP for an AU of one, do not subtract the income from the Maximum Aid Payment (MAP) or apply income disregards.

An ARC child may retain up to \$10,000 in property.

Note: The ARC payment would be offset by any social security income that an ARC child or NMD receives.

40-183.C.5 Beginning Date of Aid (BDA)

For an individual ARC-eligible child, the beginning date of aid is the date that the ARC application is completed and signed by the approved relative caregiver.

- The first ARC payment made on behalf of an eligible child will be prorated to the date of the application or the date the relative caregiver is considered approved. Payments for the ARC Program cannot begin until the relative caregiver has been approved, meaning the relative caregiver must meet the health and safety standard that mirror those for a license foster parent.
- Ongoing ARC benefit issuances will be made at the beginning of the month at the same time as the CalWORKs issuance.

Note: If the child is no longer eligible to the ARC Program, the relative caregiver can submit a CW8/CW8A form to add the child to an active CalWORKs case or a new CalWORKs application to request ongoing CalWORKs; the beginning date of aid for the child is the date the relative caregiver signs the CW8, CW8A or CalWORKs application.

40-183.C.6 Assistance Unit (AU)

- ARC Child
 - The CalWORKs portion of the ARC payment will be the exempt MAP amount for an AU of one regardless of how many other persons in the family receive CalWORKs, including any siblings.
- Needy Caretaker
 - When the ARC child is the only eligible child for a needy caretaker relative, the needy caretaker relative is still eligible for CalWORKs and must apply separately for himself/herself.
- The Child of an ARC Eligible Parenting Teen
 - When eligible, the child of an ARC eligible parenting teen may receive CalWORKs. The child would be included in the AU of the needy caretaker relative or be placed in an AU of one if the relative is non-needy. This does not apply to NMDs.

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- Pregnant or parenting teens and NMDs have the option to establish their own CalWORKs case at age 18 if otherwise eligible. Teens and NMDs who opt to establish their own CalWORKs case will then be subject to all of CalWORKs' program and reporting rules unless exempt, and will be eligible to receive benefits for both themselves and their child. A pregnant or parenting teen or NMD who establishes their own CalWORKs case will not be eligible for the ARC program.

40-183.C.7 Grant Calculation

Funding for the ARC Program consists of CalWORKs and ARC payments. Together, these funding sources will be used to fund payments up to the amount equal to the age appropriate basic AFDC-FC rate. CalWORKs funds will be utilized unless the child does not qualify for CalWORKs. If the child does not qualify for CalWORKs, the ARC payment will consist of ARC funding only, in an amount equal to the basic AFDC-FC rate.

If a child is determined eligible for CalWORKs, the CalWORKs portion of the ARC payment will be the exempt MAP amount for an AU of one regardless of how many other persons in the family receive CalWORKs, including any siblings. Income will not be subtracted from the MAP and disregards will not be applied. The ARC payment would be offset by any social security income that an ARC child or NMD receives.

For example, a CalWORKs payment in March 2015 for an eligible six year old child is exempt map of \$369, plus ARC funds of \$357, to bring the child's total ARC payment up to the basic Foster Care rate of \$726 for the child's age group. Refer to the processing guide for more examples.

Note: Needy caretaker relatives will be eligible for CalWORKs if the only eligible child is the ARC child (unless the child is a [NMD](#)) and will receive the exempt or non-exempt map as applicable. The CalWORKs grant for the relative caregiver will be calculated, following current CalWORKs regulations. The ARC eligible child is included in the Maximum Basic Standard of Care (MBSAC) for determining financial eligibility and the ARC payment will not be included as income when determining the relative caretaker's or other household member's eligibility for CalWORKs assistance.

40-183.C.8 Retroactive Payments

Children eligible to the ARC program may be eligible to receive retroactive ARC payments back to the date of the CalWORKs application, but no earlier than January 1, 2015.

The ARC application must be signed and submitted by August 31, 2015 in order to be evaluated for retro payments. Additionally, the child must already be placed in the approved relative caregiver's home as of June 1, 2015; any placement on or after June 2, 2015 will not be evaluated for retro payments.

Children already receiving CalWORKs who have completed an ARC application may be eligible to receive retroactive ARC payment back to the date of the CalWORKs application, but no earlier than January 1, 2015.

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Children not already receiving CalWORKs, who complete an ARC application when the worker has made a CalWORKs determination, the ARC payment will be retroactive back to the date of the ARC application.

40-183.C.9 ARC Aid Codes

- 2S – ARC Funding Option + federal CalWORKs
- 2T – ARC Funding Option + state CalWORKs
- 2U – ARC Funding Option + state CalWORKs (for NMDs)
- 2P – ARC only
- 2R – ARC only (for NMDs)

Note: The determination of eligibility for the CalWORKs portion of the ARC payment may still be pending after the child is determined to be eligible to the ARC Program. In order to expedite issuance of payments, these cases should be temporarily identified using an ARC-only aid code (2P or 2R) until the CalWORKs determination is made. After the CalWORKs determination is made, the cases should be identified with the appropriate ARC aid code.

40-183.C.10 Child Support Requirements

Child support assignment and recoupment for the ARC payment will follow CalWORKs processes. Child support will be recoupable for the entire ARC payment, with the exemption of NMDs who have graduated and receive extended CalWORKs benefits.

Workers are reminded that child support cooperation requirements can be exempt when it has been determined that a referral to the LCSA (Local Child Support Agency) is not in the best interest of the child; including an increased risk of harm to the child or when cooperation would pose a barrier to family reunification efforts.

40-183.C.11 Special Payments

An approved relative caregiver receiving ARC payments on behalf of an eligible child is not eligible to receive additional CalWORKs payments on behalf of the same child. These additional CalWORKs payments include payments for special needs, emergencies, homeless assistance and pregnancy special needs.

40-183.C.12 Overpayments (OP)

The establishment of OPs will follow Foster Care rules for the ARC payment, including the CalWORKs portion.

Collection is prohibited if one of the following conditions applies:

- The cost of collection exceeds the amount of the OP that is likely to be recovered by the county.
- The child was temporarily removed from the home and payment was owed to the relative to maintain the child's placement, or the child was temporarily absent from the relative's home, or on runaway status and subsequently returned, and payment was made to the relative to meet the child's needs.

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- The overpayment was exclusively the result of a county administrative error or both the CWD and the relative were unaware of the information that would establish that the foster child was not eligible for Foster Care benefits.
- The relative did not have knowledge of and did not contribute to the cause of the overpayment.

40-183.C.13 County ARC Opt-Out Notice of Action (NOA) Requirements

In the event the county decides to opt-out of the ARC program, each participating approved relative caregiver must be given at least 90 days' prior written notice that the ARC payments will be reduced or discontinued, including the date the reduction will occur.

40-183.C.14 Appeals Process

An approved relative caregiver cannot appeal any reduction in his or her ARC payment that occurs as a result of a county opting-out of the ARC Program. This includes any reduction in payments following the presumed opt-out of counties in the event of a state-budget reduction.

However, if there is a reduction in payments to an approved relative caregiver as a result of some other determination unrelated to a county opting-out of the ARC Program, the caregiver retains existing appeal rights.

40-183.C.15 ARC Payment in CalFresh Budget

An ARC child may be eligible for CalFresh benefits. For CalFresh budgeting purposes, ARC payments shall be treated in the same manner as Foster Care payments made to CalFresh households per [CFPG-101.7](#).

40-183.C.16 Inter-County Transfers (ICT)

The county of court jurisdiction will be the county with payment responsibility for the ARC Program. The county of court jurisdiction will make the ARC payment even if the child is placed out of county, as long as the child is placed in California. It does not matter if the county in which the child is placed is an ARC opt-in county or not. The regional MAP amount attributable to the CalWORKs portion of the ARC payment is based on the county of jurisdiction. As a result, an ICT may be necessary to transfer the child's ARC/CalWORKs case from the county of residence to the county of court jurisdiction.

Case transfer is initiated by using the [CW 215](#) form or via electronic data transfer. Existing CalWORKs ICT procedures apply to the CalWORKs portion of the ARC payment.

For new cases, residence is established by the county of jurisdiction, but CalWORKs cases for needy or non-needy caretaker relatives who receive CalWORKs for themselves and/or a child(ren) who is/are not participating in the ARC Program would be established by the county of residence.

Procedure:

Refer to [Processing Guide 40-183.C.1](#)

Impacts:

- CalFresh [63-224.14](#)

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References:

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[ACL No. 14-89](#)

[ACL No. 15-20](#)

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